SOUTHERN DISTRICT OF NEW YORK	***	
	X :	
CONSTELLATION AGENCY, LLC,	:	
Plaintiff,	:	22-CV-4630 (JMF)
-V-	: :	<u>ORDER</u>
DIVERSENOTE, LLC et al.,	: :	
Defendants.	: :	
	: X	

JESSE M. FURMAN, United States District Judge:

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On August 23, 2022, Defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **September 13, 2022**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **September 13, 2022**. Defendants' reply, if any, shall be filed by **September 20, 2022**.

It is further ORDERED that the initial pretrial conference previously scheduled for September 6, 2022, is adjourned *sine die*.

Finally, Defendants appear to have filed their notice of motion twice. *See* ECF Nos. 22, 23. Accordingly, the Clerk of Court is directed to terminate ECF No. 22.

SO ORDERED.

Dated: August 23, 2022

New York, New York

ESSE M. FURMAN nited States District Judge